



HOWARD COUNTY PUBLIC WORKS BOARD

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Lisa S. Spitulnik, Member

Minutes of the Howard County Public Works Board – March 9, 2010

Members present: Darryl A. Stokes; Christine C. McPartland and Lisa S. Spitulnik.

Staff present: James M. Irvin, Executive Secretary; John Seefried, Acting Chief, Construction Inspection Division; Don Lieu, Chief, Utility Design Division; Tina D. Hackett, Chief, Real Estate Services Division and Jacqueline Somervell, Real Estate Services Division, Department of Public Works; Charles Dammers, Chief, Development Engineering Division, Department of Planning and Zoning.

Mr. Stokes called the meeting to order at approximately 7:30 p.m.

1. **Approval of minutes:** Mr. Stokes indicated that the first item on the agenda is the approval of the minutes of January 12, 2010. Mr. Stokes asked if there were any comments or questions.

Motion: On a motion made by Ms. McPartland and seconded by Ms. Spitulnik, the Board unanimously approved the minutes of January 12, 2010.

2. **Public Works Board Road Acceptance**

- a) Subdivision: Juneau Hills, Lots 1 through 8 and Open Space Lot 9
Road Agreement No. F-06-066 14-4329-D
Road Names: Victoria Falls Drive
Petitioner: Trinity Quality Homes, Inc.

Staff Presentation: Ms. Tina D. Hackett, Chief, Real Estate Services Division, indicated that Trinity Quality Homes, Inc. has presented a petition to the Director of Public Works for the acceptance in fee simple title to Victoria Falls Drive located in Juneau Hills, Lots 1 through 8 and Open Space Lot 9. The Bureau of Engineering has inspected the subdivision and certifies that all public improvements have been constructed in accordance with the approved plans and specifications and meets the criteria for acceptance under Section 18.202 of the Howard County Code. The Bureau of Engineering recommends that the public improvements be accepted into the County's system of publicly owned and maintained facilities.

Board Comments: Mr. Stokes asked if there were any outstanding items. Ms. Hackett responded that everything was constructed. Mr. Stokes asked if there were any questions or comments from the Board. There were none. Mr. Stokes asked if there were any comments from the audience.

Public Testimony: None.

Motion: On a motion made by Ms. McPartland and seconded by Ms. Spitulnik, the Board unanimously recommended that the Director of Public Works accept the public improvements located in Juneau Hills, Lots 1 through 8 and Open Space Lot 9 into the County's system of publicly owned and maintained facilities.

- b) Subdivision: Montjoy, Buildable Lots 127-188 and Open Space Lots 189-193
Road Agreement No. F-03-100 24-4065-D
Road Names: Executive Park Drive, Wethered Drive, Carson Court and Sante Fe Court
Petitioner: Winchester Homes, Inc.

Staff Presentation: Ms. Hackett, indicated that Winchester Homes, Inc. has presented a petition to the Director of Public Works for the acceptance in fee simple title to Executive Park Drive, Wethered Drive, Carson Court and Sante Fe Court located in Montjoy, Buildable Lots 127-188 and Open Space Lots 189-193. The Bureau of Engineering has inspected the subdivision and certifies that all public improvements have been constructed in accordance with the approved plans and specifications and meets the criteria for acceptance under Section 18.202 of the Howard County Code. The Bureau of Engineering recommends that the public improvements be accepted into the County's system of publicly owned and maintained facilities.

Board Comments: Mr. Stokes asked if there were any outstanding items. Ms. Hackett responded that everything was complete. Mr. Stokes asked if there were any questions or comments from the Board. There were none. Mr. Stokes asked if there were any comments from the audience.

Public Testimony: None.

Motion: On a motion made by Ms. Spitulnik and seconded by Ms. McPartland, the Board unanimously recommended that the Director of Public Works accept the public improvements located in Montjoy, Buildable Lots 127-188 and Open Space Lots 189-193 into the County's system of publicly owned and maintained facilities.

3. **Capital Project W-8263, the Marriottsville Road Elevated Tank**

Mr. Don Lieu, Chief, Utility Design Division, stated that the purpose of the presentation is to seek a recommendation from the Board concerning a substantially changed capital project for the upcoming 2011 fiscal year. The Capital Project is W-8263, the Marriottsville Road Elevated Tank is an existing capital project brought before the Public Works Board in December 2002 for the construction of an elevated water storage tank and pumping station. The capital project will be expanded to include construction of 6,000 linear feet of 12-inch water main from Petersboro Road to Marriottsville Road across the Waverly Golf Course at an estimated cost of \$1,500,000 to be funded by developer contributions. The project was initiated by the Department of Public Works in response to the needs of the County's approved Master Plan for Water and Sewerage. The elevated water tank is required to stabilize the pressures in the 630 water zone and to meet the future water needs of the area. The pumping station will be located in the base of the elevated tank and will provide a secondary feed to the 730 water zone. The 12-inch water main will complete the loop of the water system in the Waverly area and will serve as a water supply

source to the Marriottsville Elevated Tank and Pumping Station. The land for the elevated water tank has been provided to the County at no cost. The easements for the water main will be provided to the County at no cost. The water main will be designed, constructed and paid for by developer contributions.

Interested property owners were notified of tonight's meeting by advertisement in local newspapers and by postings in the project area. No service connections will be provided from the proposed major facilities. Therefore no user fees will be affected by the construction of the elevated water tank, pumping station and water main.

This project will formalize the agreement between the developer of Waverly Woods and the County. The developer will be designing, engineering and constructing the water line shown in red on the exhibit. The developer will be donating the fee simple plan for the tank as well as any easements.

Mr. Stokes asked if the \$1.5 million shown is for the design, engineering and construction. Mr. Lieu stated yes. Mr. Stokes said there is a major gas pipeline going through this area – will it be affected by the construction. Mr. Lieu said we know it is there. Mr. Stokes asked if there were any other questions from the Board.

Ms. Spitulnik asked about the visibility of the tank from adjacent roads. Mr. Lieu said you will be able to see the tank. The tank stands about 120 feet tall and will stand above any trees that are around it. Mr. Stokes asked if there were any other questions from the Board. Mr. Stokes asked if there were any questions from the audience.

Motion: On a motion made by Ms. Spitulnik and seconded by Ms. McPartland, the Board unanimously recommended approval of Capital Project W-8263, the Marriottsville Road Elevated Tank.

4. Design Manual, Volume 1, Chapter 5 - Stormwater Management

Mr. Charles Dammers, Chief, Development Engineering Division, Department of Planning and Zoning stated that due to the implementation of changes to storm water management requirements initiated by the Maryland Department of the Environment (MDE), the County is required to adopt revisions to the design manual. After meeting with MDE, the County decided to remove the bulk of what is the Design Manual and to adopt the MDE Manual. This will make our manual more straight-forward. There are references back to the MDE Manual. Mr. Dammers gave an overview of the relevant revisions.

a) ESD - Environmental Site Design. The use of small scale stormwater management practices, nonstructural techniques and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. ESD also includes conserving natural features, drainage patterns, and vegetation; minimizing impervious surfaces; slowing down runoff; increasing infiltration.

- b) ESD to the Maximum Extent Practicable (MEP). Must exhaust all ESD techniques. Local plan reviews and approval agencies should not approve structural BMPs if ESD options are available. The design consultant needs to show/demonstrate any exceptional circumstances that would not require an ESD option.
- c) ESD Sizing and Control Requirements. The criteria for sizing ESD practices are based on capturing and retaining enough rainfall so that the runoff leaving the site is reduced to a level equivalent to a wooded site in good condition. Other controls are still in place for managing other lower frequency storm events (10-year, 25-year and 100-year) for various locations in the County.
- d) Environmental Concept Plan. This is a concept plan that identifies all the environmental resources and buffers located on a site. This plan also shows drainage areas that are used in preparing a strategy for protecting those resources and in identifying areas where ESD techniques can be used as well as defining where development can occur. It is also a comprehensive erosion and sediment control. Agencies from DPZ, DPW and Soil Conservation will review and comment on this plan. This plan is separate from the current S, SP, F or SDP plans.
- e) Redevelopment projects. Redevelopment projects are subject to the same use of ESD techniques as new projects. Control requirements have been expanded from the current standards. Currently redevelopment projects have to manage 20% of the limit of disturbance. The new requirement is that sites that exceed 40% of existing imperviousness only have to comply with 50% of the ESD controls. Sites that are less than 40% must provide full ESD controls.
- f) Alternative Compliance. Name has been changed to "Alternative Compliance by Variance" at the request of MDE. The format of the alternative compliance by variance remains the same; a detailed letter from the design consultant outlining specific conditions, calculations and drawings as to why a particular section of the design manual cannot be met and proposing an alternative design to meet the intent of the section. This remains an administrative function.
- g) Grandfathering. The current MDE grandfathering of regulations requires that in order to stay with the current requirements a plan must have final plan or site development plan signatures (County and HSCD) by the May 4, 2010 enactment date. Plans that do not have signatures as of that date will be required to redesign to the proposed regulations. Consultants and developers have been apprised of this since June 30, 2009. Efforts have been made by consultants, developers, home builder organizations and political representatives to have MDE amend this stance. There may be changes made at this year's legislative session.

What do we expect to see as SWM for normal subdivision activity? All of the ESD techniques limit the size of their contributing drainage areas (most are 0.5 Ac maximum). We will see a large number of rain gardens, bio-retention facilities, vegetated swales, infiltration facilities and alternative pavements located throughout a development in order to meet their stormwater management requirements. Many of these facilities will be located on private lots. We are also anticipating many of these facilities will be located along the side of a public road where there may be joint public/private maintenance. Mr. Dammers gave each Board member a plan that uses the new regulations. He explained what each color represented and the types of facilities to be constructed. In this particular subdivision the SWM is located on private lots and will be maintained by the homeowners association.

Mr. Stokes questioned whether the developer would have to purchase more land to install these new facilities? Mr. Dammers stated that that it will probably be the same amount of land and it would be placed on an open space lot. Using the new facilities, most of these will be on private lots.

Ms. Spitulnik indicated that there may be some recent changes from MDE regarding grandfathering – so will the County exceptions be consistent with MDE. Mr. Dammers stated yes, there will be a final version issued on Friday but it will need legislative approval.

Mr. Stokes stated that the ESD will reduce post developmental runoff to levels found in natural or forested conditions which requires capturing and treating 1 to 2.6 inches of rainfall depending on the site. Is that different than what it has been in the past? Mr. Dammers responded yes. The State has changed the way we deal with the sizing of these structures. It used to be that we wanted grass in good condition - now it's woods in good condition. We still maintain the 10, 25 and 100 year storms that we can ask for certain drainage areas throughout the County. We still have that protection.

Ms. Spitulnik asked if the changes have been approved by the MDE. Mr. Dammers said we don't have an approval from MDE. We have received an e-mail that basically says we are substantially approved – they didn't quite finish our review.

Mr. Stokes raised a question regarding redevelopment - page 5-7. The goal of the current redevelopment regulations is to gain water quality treatment on existing developed lands while supporting County initiatives to improve urban communities. The way we interpreted this, we go in purchase land and put in a storm water facility for the ultimate layout of that site and we have done that in the past and we are not going to save any money as a result of that because anytime we go in and improve upon that given lot, we would have to reconfigure the storm water management. Mr. Dammers said that is part of the grandfathering that the State and everyone is trying to address. They are trying to prepare documents that say we got a Phase project if we grandfathered throughout that phase period. However, they are at this point creating a sunset clause that ends at 2017. Even though the phases may be approved, in 2017 you may have to redesign.

Mr. Stokes asked if there were any other comments or questions from the Board. Ms. Spitulnik asked if the Board approved it tonight and MDE makes a change how does that work. Mr. Dammers responded that this still has to be taken to the County Council - so those revisions would be reflected in the County Council's version. Mr. Irvin stated that the reality is that MDE's regulations can't be laterally changed without its approval. If we change them unilaterally, we won't be in compliance and the program will be in jeopardy. Mr. Dammers said that is why we adopted to do the design manual changes in this way which is adopting the State and just referencing it.

Ms. McPartland asked how the County will ensure compliance with the rain gardens. Mr. Dammers said we have a maintenance agreement to cover all that - every kind of ESD practice has its own separate operational maintenance schedule. Ms. Spitulnik asked if that will be the same thing like they do with the pond that is if you don't maintain it they will maintain it and charge. Ms. McPartland asked if that is not necessarily going to increase the budget as far as

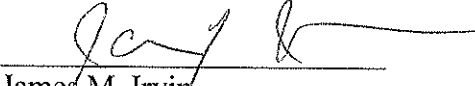
inspecting on those moving forward. Mr. Dammers said ultimately there is going to be some inspection that the County will have to do.


Mr. Stokes asked if there were any questions from the audience.

Public Testimony: None.

Motion: Mr. Stokes made a motion to accept the Design Manual the way it has been presented recognizing that it could be subject to some additional changes between now and the time that it is implemented. On a motion made by Ms. McPartland and seconded by Ms. Spitulnik, the Board unanimously recommended approval of Design Manual, Volume 1, Chapter 5 - Stormwater Management.

There being no further business, the Public Works Board meeting adjourned at approximately 8:10 p.m.


James M. Irvin,
Executive Secretary


Jacqueline Somervell
Recording Secretary